

EXHIBIT F

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOWARD UNIVERSITY,

Plaintiff-
Counterclaim Defendant,

vs.

LARRY BORDERS and
VIRGINIA BORDERS,

Defendants-
Counterclaim Plaintiffs,

CENTRALIA MADONNA,
A DRAWING,

Defendant-in-rem.

ECF Case
20-CV-4716 (LJL)

DEPOSITION OF DR. LISA FARRINGTON

As 30(b)(6) Designee of

HOWARD UNIVERSITY

(Via videoconference)

October 30, 2020

Reported by: John L. Harmonson, RPR

Job No. 185831

1 L. FARRINGTON

2 A. Bachelor of fine arts.

3 Q. Where did you receive that from?

4 A. Howard University.

5 Q. What year did you receive that?

6 A. 1978.

7 Q. What years were you a student at

8 Howard University?

9 A. 1974 to 1978.

10 Q. And are you currently employed by the
11 University?

12 A. Yes.

13 Q. When did you begin your current
14 employment with the University?

15 A. January of 2020.

16 Q. Did you render any services to the
17 University between the time you graduated and
18 when you started your current employment?

19 A. I spoke at an annual conference every
20 other year.

21 Q. Any other services?

22 A. No.

23 Q. What is your current title at the
24 University?

25 A. Associate dean of fine arts.

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2 Q. Are you prepared today to provide all
3 information known to Howard University concerning
4 the theft, unauthorized transfer, sale,
5 deaccession, or other non-loan disposition of any
6 other artworks from the University's collection
7 between 1965 and 1980?

8 A. Yes.

9 Q. What did you do in advance of this
10 deposition to prepare to provide all information
11 known to Howard University concerning the theft,
12 unauthorized transfer, sale, deaccession, or
13 other non-loan disposition of any other artworks
14 from the University's collection between 1965 and
15 1980?

16 A. I looked at annual reports.

17 Q. Do you recall any other documents you
18 looked at?

19 A. No.

20 Q. Did you speak with anyone at Howard
21 University, not including outside counsel or
22 in-house counsel, concerning the theft,
23 unauthorized transfer, sale, deaccession, or
24 other non-loan disposition of any other artworks
25 from the University's collection between 1965 and

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2 1980?

3 A. No.

4 Q. Is there anyone at Howard University
5 who would have knowledge concerning the theft,
6 unauthorized transfer, sale, deaccession, or
7 other non-loan disposition of any other artworks
8 from the University's collection between 1965 and
9 1980?

10 A. Not that I know of.

11 Q. Did you do any investigation to
12 determine whether anyone would have that
13 information at Howard University?

14 A. From 1965? No.

15 Q. Did you do an investigation to
16 determine if anyone at Howard, currently at
17 Howard University, would have knowledge or
18 information concerning the theft, unauthorized
19 transfer, sale, deaccession, or other non-loan
20 disposition of any other artwork from the
21 University's collection between 1965 and 1980?

22 MR. HARVEY: Mr. Cossu, you mean other
23 than what she told you she did herself?

24 MR. COSSU: Exactly.

25 BY MR. COSSU:

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2 deaccession, et cetera, with him, I have not.

3 And I have not talked with him in preparation for
4 today.

5 Q. Thank you.

6 Is there anyone else at Howard
7 University other than Scott Baker who has
8 information concerning the University's
9 acquisition, ownership, and/or disposition of the
10 Charles White artwork at issue excluding in-house
11 counsel or outside counsel?

12 A. I don't know who else. I don't know.

13 Q. Turn your attention to subparagraph
14 (c) of Exhibit B.

15 A. Yes.

16 Q. It states: "The University's
17 preparation of any inventories of its art
18 collection between 1972 and 2020."

19 A. Yes.

20 Q. Are you prepared today to provide all
21 information known to Howard University concerning
22 the University's preparation of any inventories
23 of its art collection between 1972 and 2020?

24 A. Yes.

25 Q. What did you do in advance of this

1 L. FARRINGTON

2 deposition to prepare to provide all information
3 known to Howard University concerning the
4 University's preparation of any inventories of
5 its art collection between 1972 and 2020?

6 A. I looked at the 1976 inventory and the
7 current inventory.

8 Q. Did you take any other actions to
9 prepare to testify to the University's
10 preparation of any inventories of its art
11 collection between 1972 and 2020?

12 A. No.

13 Q. Did you speak with anyone at Howard
14 University concerning the University's
15 preparation of any inventories of its art
16 collection between 1972 and 2020?

17 MR. HARVEY: Calls for a yes or no
18 answer.

19 May we hear the question again,
20 please?

21 MR. COSSU: Mr. Court Reporter, if you
22 could repeat the question.

23 (The record was read back by the
24 reporter as follows:

25 "Question: Did you speak with anyone

1 L. FARRINGTON

2 University's collection management system and
3 document retention policy for its art collection?

4 A. I reviewed the gallery policy and
5 annual reports.

6 Q. Did you speak with anyone concerning
7 the University's collection management system and
8 document retention policy for its art collection
9 other than counsel?

10 A. I spoke to gallery staff, but not
11 about this.

12 Q. Is there anyone else at Howard
13 University besides yourself who would have
14 knowledge or information concerning the
15 University's preparation of any inventories of
16 its art collection between 1972 and 2020?

17 A. 1972 to 2020? Just myself and the
18 gallery staff.

19 Q. Who at the gallery staff would have
20 knowledge concerning the University's preparation
21 of any inventories of its art collection between
22 1972 and 2020?

23 A. Mr. Baker.

24 Q. Anyone else?

25 A. Not really. The only other staff

1 L. FARRINGTON

2 member is brand-new.

3 Q. Who is the other staff member?

4 A. The registrar.

5 Q. When did the registrar join Howard
6 University?

7 A. A couple of months ago.

8 Q. What's the registrar's name?

9 A. Abby.

10 Q. Is there anyone else at the University
11 who would have knowledge or information
12 concerning the University's collection management
13 system and document retention policy for its art
14 collection?

15 A. No.

16 Q. Does Howard University maintain an art
17 collection?

18 A. Yes.

19 Q. Do you know who owns the art
20 collection?

21 A. I assume the University.

22 Q. Is there a distinct legal entity other
23 than the University that would control the art
24 collection?

25 A. No.

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2 Q. Is there a particular department at
3 the University that controls the art collection?

4 A. No.

5 Q. Did control over the art collection
6 ever change at the University?

7 A. I wouldn't know that. I'm only here
8 ten months.

9 Q. Is there anyone at the University who
10 would know if control over the art collection
11 ever changed?

12 A. Not that I know of.

13 Q. Was a particular person responsible
14 for the maintenance and oversight of the art
15 collection in 1970?

16 A. I think it was A.J. Carter.

17 Q. Do you know what A.J. Carter's title
18 was at the time?

19 A. I think it was gallery director, but
20 I'm not sure. I never met him, and I wasn't
21 here.

22 Q. Is Dr. Carter still alive?

23 A. No.

24 Q. Was a particular person responsible
25 for the maintenance and oversight of the art

1 L. FARRINGTON

2 collection in 1971?

3 A. I assume it was him.

4 Q. Was a particular person responsible
5 for the maintenance and oversight of the art
6 collection in 1972?

7 A. I'm speculating, but I assume it's
8 him.

9 Q. Are there any records at Howard
10 University that would reflect if a particular
11 person was responsible for the maintenance and
12 oversight of the art collection in 1972?

13 A. I don't know about '72. But he signed
14 the 1976 inventory.

15 Q. You're basing your answers on
16 Dr. Carter's signing of the 1976 inventory?

17 A. Yes.

18 Q. Was a particular person responsible
19 for the maintenance and oversight of the art
20 collection in 1973?

21 A. I have no way of knowing.

22 Q. Was a particular person responsible
23 for the maintenance and oversight of the art
24 collection in 1974?

25 A. I'd be assuming again.

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2 A. Yes.

3 Q. Where do you recall the annual reports
4 being located?

5 A. In the art office hallway.

6 Q. Where is the art office hallway?

7 A. In Childers Hall.

8 Q. You referenced a news article. Do you
9 recall where you located that?

10 A. In the artist's file.

11 Q. In which artist file?

12 A. Charles White.

13 Q. Do you recall what was the substance
14 of the news article?

15 A. Not exactly.

16 Q. Do you recall when the news article
17 was from, what year?

18 A. Not exactly. That was decades ago.

19 Q. What do you recall being in the news
20 article?

21 A. Mention of Charles White, and I think
22 of Centralia Madonna. But I can't be sure. I
23 didn't have it memorized. I'd need to see it
24 again.

25 Q. Do you recall any other documents

1 L. FARRINGTON

2 being located in the artist file?

3 A. A loan form.

4 Q. What do you recall about the loan
5 form?

6 A. It states that in the '60s, the work
7 was lent to a school in Boston.

8 Q. By "the work," do you mean the Charles
9 White artwork at issue?

10 A. Yes.

11 Q. Do you recall anything else about the
12 loan form?

13 A. That a Boston museum arranged the
14 loan.

15 Q. What else do you recall being in the
16 Charles White artist file?

17 A. That's all.

18 Q. It was just those two pages?

19 A. That's all I recall from the file.

20 Q. Do you recall how large the file was?

21 A. Not very large.

22 Q. Were there any other references to
23 Centralia Madonna in the artist file?

24 A. No. Only those two documents.

25 Q. Where is the Charles White artist file

1 L. FARRINGTON

2 artwork from the University's collection to an
3 employee?

4 A. No.

5 Q. Is the University aware of any thefts
6 of artwork from its collection?

7 A. The Centralia Madonna by Charles
8 White.

9 Q. Other than Centralia Madonna, is the
10 University aware of any thefts of artwork from
11 its collection?

12 A. No, not that I know of.

13 Q. Does the University have any
14 information indicating that there have been other
15 thefts of artwork from its collection?

16 A. I think in an annual report from a few
17 decades back there was a citation of stolen art
18 that was hung in another building without a
19 guard.

20 Q. So what you're saying is there wasn't
21 actually a theft. Am I understanding that
22 correctly?

23 A. There is a listing in one of the
24 annual reports that lists two or three objects
25 that were taken from another building on campus

1 L. FARRINGTON

2 other than Childers where there was no guard to
3 watch.

4 Q. So there was a theft of those
5 artworks?

6 A. Yes, according to that document.

7 Q. Have you done anything to confirm that
8 that theft took place?

9 A. That was 30 or 40 years ago, and I
10 have not confirmed that that theft took place.
11 But whoever wrote that report confirmed it in
12 that document.

13 Q. Do you know if the University filed a
14 police report relating to that theft?

15 A. I would have no way of knowing. I
16 assume so.

17 Q. Does Howard University have records of
18 a police report being filed with relation to that
19 theft?

20 A. I have never seen such records.

21 Q. Does Howard University have records of
22 an insurance claim being filed with regard to
23 that theft?

24 A. You would have to speak to the
25 insurance office.

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2 Q. Does the University have a record of
3 the theft being registered with any stolen art
4 databases?

5 A. I don't know.

6 Q. Did you --

7 A. I'm assuming in 1970 or '69, whenever
8 that was recorded, there was no database.

9 Q. Have you conducted any investigation
10 to determine if the theft was registered with the
11 database?

12 A. I only discovered that page in that
13 40-year-old report in preparation for this
14 deposition.

15 Q. Did you conduct any investigation
16 after discovering that page in that report?

17 A. No.

18 Q. Does the University have any policies
19 or procedures concerning how to respond to the
20 theft of an artwork?

21 A. No, not that I know of.

22 Q. Is the University aware of any
23 instances in which an employee was alleged to
24 have taken an artwork from the University's
25 collection without permission?

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2 by my time. Why don't we take ten minutes?

3 MR. COSSU: Sounds good.

4 (Recess taken.)

5 MR. HARVEY: Mr. Cossu, I want to put
6 on the record for your benefit, the
7 spreadsheet that Dr. Farrington talked about
8 earlier was produced to you as HOWARD00643.

9 MR. COSSU: Thank you very much,
10 Mr. Harvey.

11 MR. HARVEY: You're welcome.

12 BY MR. COSSU:

13 Q. Dr. Farrington, when does the
14 University assert that it acquired the Charles
15 White artwork that is the subject of this
16 lawsuit?

17 A. 1947 or '48, I believe.

18 Q. Where did the University acquire the
19 White artwork from?

20 A. I believe the artist, but I'm not
21 sure.

22 Q. What evidence is the University
23 relying upon in support of that answer?

24 A. The artist was teaching here at the
25 time. And then it is indicated in the report

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2 that it was received at that time. I'm just, you
3 know, guessing. I don't know if the artist gave
4 it to us or not. There is no record one way or
5 the other except that he was teaching here.

6 Q. How much did the University pay for
7 the White artwork?

8 A. I don't know. It might be in the
9 annual report from that year.

10 Q. What were the terms of the
11 University's acquisition of the White artwork?

12 A. I've seen no records about terms.

13 Q. What title to the White artwork was
14 provided to the University when it acquired the
15 work?

16 A. Centralia Madonna.

17 Q. Is that documented anywhere?

18 A. In the annual report from the late
19 '40s, which I believe you have seen.

20 Q. What title did the University use when
21 identifying the White artwork?

22 A. Centralia Madonna, as far as I know.

23 Q. Were any other titles ever used?

24 A. Not that I know of.

25 Q. Does the University possess any

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2 documentation from the Barnett-Aden Gallery
3 concerning the White artwork?

4 A. Not that I know of.

5 Q. Did you conduct any investigation if
6 the University possesses any documentation from
7 the Barnett-Aden Gallery?

8 A. There is no file called "Barnett-Aden
9 Gallery" in the gallery offices that I know of.
10 So I did not investigate that, no.

11 Q. Does the University possess any
12 documentation evidencing payment for the White
13 artwork?

14 A. No. Not in the artist file or in any
15 of the annual reports that I've examined.

16 Q. Is there any document showing that the
17 White artwork was purchased and not loaned from
18 the artist?

19 A. It's listed as a part of the art
20 collection, which suggests that it was not a
21 loan; it was an acquisition.

22 Q. Where was the location of the White
23 artwork when the University acquired it?

24 A. I would only be speculating. So I
25 can't answer that.

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2 within its offices?

3 A. No official policies or procedures.

4 Q. What unofficial policies exist?

5 A. If the president wants a work of art
6 hung in his office, we bring it to his office and
7 we hang it there.

8 Q. Where was the White artwork located in
9 1965?

10 A. I don't know.

11 Q. Does the University have any records
12 indicating where it was located in 1965?

13 A. They have no records of its location,
14 period, except that it was acquired.

15 Q. Does the University have any
16 information concerning where the White artwork
17 was located between 1965 and 1970?

18 A. The annual reports did not keep such
19 records; so no, for any works.

20 Q. Where was the White artwork located in
21 1970?

22 A. I have no idea.

23 Q. Was it moved at all in 1970?

24 A. I couldn't possibly know. I would be
25 guessing, speculating.

1 L. FARRINGTON

2 Q. Where was the White artwork located in
3 1971?

4 A. I don't know.

5 Q. Was the White artwork moved at all in
6 1971?

7 A. I don't know.

8 Q. Where was the White artwork located in
9 1972?

10 A. I don't know.

11 Q. Was it moved at all in 1972?

12 A. I don't know.

13 Q. Where was the White artwork located in
14 1973?

15 A. I don't know.

16 Q. Was it moved at all in 1973?

17 A. I don't know.

18 Q. Where was the White artwork located in
19 1974?

20 A. I don't know.

21 Q. Was it moved at all in 1974?

22 A. I don't know.

23 Q. Did you conduct any investigation to
24 determine the location of the artwork in the
25 1970s?

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2 A. I did not, no.

3 Q. Did you conduct any investigation to
4 determine if the White artwork was moved in the
5 1970s?

6 A. No.

7 Q. Did the University ever publish images
8 of the White artwork?

9 A. Publish?

10 Q. Yes.

11 A. I don't know.

12 Q. Does the University possess any
13 photographs of the White artwork that were taken
14 before 1976?

15 A. We have photographs of it, but I don't
16 know when they were taken.

17 Q. What photographs do you have of the
18 artwork?

19 A. There is a digital photograph of it in
20 the TMS system.

21 Q. When was that digital photograph
22 uploaded?

23 A. I have no idea. I wasn't at the
24 University.

25 MR. COSSU: Mr. Harvey, we are going

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2 to make a request for all metadata and any
3 photos of the artwork that are on the TMS
4 system.

5 MR. HARVEY: We will take your request
6 under advisement.

7 MR. COSSU: Thank you.

8 MR. HARVEY: You're welcome.

9 BY MR. COSSU:

10 Q. Has the University ever permitted the
11 White artwork to be taken outside of its offices?

12 A. I don't know.

13 Q. Did you conduct any investigation to
14 determine if the University permitted the White
15 artwork to be taken outside of its offices?

16 A. I have not conducted an investigation,
17 no.

18 Q. On the TMS system you referenced, is
19 the means of acquisition identified for an
20 artwork?

21 A. Not if we didn't have that data in the
22 files when the students put it on the system.
23 They uploaded information that was available.

24 Q. Are photographs maintained for each
25 artwork on the TMS system?

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2 MR. COSSU: I'm going to try to find a
3 clear date.

4 BY MR. COSSU:

5 Q. Dr. Farrington, I'm going to turn your
6 attention to page 15.

7 A. Okay.

8 Q. Do you see on the bottom right in
9 handwritten sideways it appears to read
10 11/4/1963?

11 A. I see that.

12 Q. Does that refresh your recollection
13 about when this document was prepared?

14 A. I really don't have any idea when the
15 document was prepared or when that date was
16 written in. I couldn't know that.

17 Q. Does the University possess any
18 records that would identify the date this
19 document was created?

20 A. No.

21 Q. I'm going to turn your attention now
22 to what has been marked as HOWARD602. Do you see
23 that on the bottom right?

24 A. Yes.

25 Q. There is a date here above that, again

1 L. FARRINGTON

2 handwritten, that appears to be 1/29/64. Do you
3 see that?

4 A. Yes.

5 Q. If you look, there is an underlined
6 work there.

7 A. Yes.

8 Q. Is that the Charles White work that we
9 have been discussing?

10 A. Yes.

11 Q. Do you know who underlined that work?

12 A. I may have. I'm not sure.

13 Q. So would you have underlined it
14 recently?

15 A. Yeah, I might have.

16 Q. And what is the White artwork valued
17 at in this document?

18 A. \$75, according to the document.

19 Q. And are there other White drawings
20 identified on this page?

21 A. Native Son No. 2 for \$50. George
22 Washington Carver for \$50.

23 Q. Do you know if there was a subsequent
24 valuation of the University's collection after
25 this one?

1 L. FARRINGTON

2 A. Hmm. I might have been.

3 Q. Do you know who created this document?

4 A. A.J. Carter.

5 Q. If you look on page 1, do you see
6 where it states: "I am herewith submitting a
7 revised report concerning the valuation of the
8 permanent collection of the Howard University
9 Gallery of Art"?

10 A. Yes.

11 Q. Is this document a revision to the
12 1964 valuation that we just looked at as
13 Exhibit D?

14 A. I have no way of knowing.

15 Q. Is there anyone at Howard University
16 who would know?

17 A. Not from the 1960s, no.

18 Q. Further down, do you see where it
19 reads: "Further, for 25 years I have been
20 constantly adding to my many notes, acquisition
21 sheets, record cards, daily log and photographs,
22 attempting to keep as accurate a record as
23 possible"?

24 A. Yes.

25 Q. Are Dr. Carter's many notes,

1 L. FARRINGTON

2 acquisition sheets, record cards, daily log and
3 photographs still possessed by the University?

4 A. I don't know.

5 Q. Is there an acquisition sheet for the
6 White artwork?

7 A. What do you mean by an acquisition
8 sheet?

9 Q. Well, Dr. Carter references an
10 acquisition sheet, and I'm asking if there is an
11 acquisition sheet --

12 A. I have never come across such a thing.

13 Q. Is there a record card for the White
14 artwork?

15 A. I don't know if record cards are even
16 kept. These sound like very old-fashioned
17 documents.

18 Q. Do you know if any search was
19 conducted to determine if record cards still
20 exist for the White artwork?

21 A. The only thing I was able to find was
22 the artist file.

23 Q. Did anyone else search for physical
24 documents related to the White artwork?

25 A. I did the search.

1 L. FARRINGTON

2 Q. I'm asking did anyone else, or was it
3 just you?

4 A. Just me.

5 Q. And --

6 A. I -- I'm sorry.

7 Q. No, no, go ahead. I didn't mean to
8 interrupt you.

9 A. I searched all of the offices, all of
10 the file drawers, and I found the artist file, I
11 found the Carter inventory, and I found the many
12 annual reports, et cetera.

13 Q. When did this search take place?

14 A. Over many weeks in the last few
15 months.

16 Q. Did you search for documents before
17 September?

18 A. Yes.

19 Q. Did you search for documents after
20 September?

21 A. Two annual reports, yes, that we
22 supplied to you.

23 Q. Those were located after September of
24 this year?

25 A. Yes. I think the library was missing

1 L. FARRINGTON

2 two, and they were in the gallery offices, so I
3 supplied them.

4 Q. Is the White artwork referenced in
5 Dr. Carter's daily log?

6 A. I don't know.

7 Q. Does the University possess
8 Dr. Carter's daily log?

9 A. I don't know. I don't think so, but I
10 don't know. I've never seen it, and it's not in
11 the library -- I mean it's not in the gallery
12 offices. It may be in the library, but I've
13 never seen it.

14 Q. Do you know if any search was
15 conducted for Dr. Carter's daily log?

16 A. I searched for any and everything to
17 do with Charles White's Centralia Madonna. I was
18 not specifically asked to search for a log.

19 Q. Did you search the Howard University
20 library for documents relating to the Charles
21 White artwork?

22 A. I believe the legal office did that.

23 Q. I'm going to turn your attention to
24 page 2 of this document marked HOWARD609.

25 A. Yes.

1 L. FARRINGTON

2 Q. Do you see where it states the number
3 of items under "Drawings" as 61?

4 A. Yes, I see that.

5 Q. I'm going to turn your attention back
6 to Exhibit D.

7 Dr. Farrington, if you look at the top
8 of this page on the left, it says "Drawing," and
9 then there appears to be an internal reference
10 number for each of the drawings. Do you see
11 that?

12 A. Yes.

13 Q. Do you see how that numerically counts
14 1, 2, 3, 4, 5, 6, et cetera?

15 A. Yes.

16 Q. Going down, at the bottom you'll see
17 the last number is 87.

18 A. Yes.

19 Q. What happened to the 26 drawings that
20 are referenced in this report, in this valuation,
21 but not the later valuation?

22 A. I assume that since one person is
23 working on the report, he just made a report of
24 what he could get his hands on. I don't have any
25 other speculation.

1 L. FARRINGTON

2 Q. But Dr. Carter prepared both reports;
3 correct?

4 A. If his name is on the report, correct.

5 Q. Turning your attention back to Exhibit
6 E.

7 Do you see the Charles White artwork
8 at issue on this page?

9 A. Yes.

10 Q. What value is listed for the Charles
11 White artwork?

12 A. \$1,000.

13 Q. Who appraised the White artwork at
14 that value?

15 A. I have no idea.

16 Q. Does the University possess records
17 identifying who appraised the artwork at that
18 value?

19 A. No. I'm assuming Dr. Carter guessed
20 the amount.

21 Q. And what was the basis for that
22 valuation?

23 A. I couldn't be in his mind. I would
24 have no idea.

25 Q. If you look further up the page, do

1 L. FARRINGTON

2 early '70s. Sometime around '72, '73, '74, like
3 that.

4 Q. Is the White artwork identified in the
5 Dr. Carter 1976 inventory?

6 A. Yes.

7 Q. And what information is provided about
8 the White artwork in that inventory?

9 A. Don't you have it in one of your
10 documents? If you can show me.

11 Q. Well, I would like your recollection
12 of what you've seen of it.

13 A. Oh, I don't have an exact
14 recollection. I need to see it again.

15 Q. Did Dr. Carter inspect the
16 University's art collection while preparing the
17 1976 inventory?

18 A. I can only speculate, but I assume so.

19 Q. Does the University possess any
20 records indicating whether an inspection of the
21 University's art collection took place as a part
22 of that inventory?

23 A. The inventory, that's the proof.

24 Q. But I'm asking you, are there records
25 identifying dates that Dr. Carter looked at

1 L. FARRINGTON

2 Q. Does that refresh your recollection
3 that this is the 1976 inventory?

4 A. I have to assume so. It doesn't seem
5 to be formally dated, however.

6 Q. Turning your attention to page 12, do
7 you see the reference to the White artwork here?

8 A. Yes.

9 Q. Do you see the handwritten notations
10 on this page?

11 A. Yes.

12 Q. Who made those notations?

13 A. I don't know.

14 Q. When were those notations made?

15 A. I don't know.

16 Q. Does Howard University have any
17 records indicating who made those notations?

18 A. Not that I know of.

19 Q. I'm going to turn your attention to
20 the next page, page 13. Do you see the word
21 "loan" within parentheses, question mark, with
22 regard to the White artwork?

23 A. Yes.

24 Q. What did Dr. Carter mean by that?

25 A. I don't know.

1 L. FARRINGTON

2 Q. What efforts were made at this time to
3 determine if the White artwork was on loan?

4 A. I wasn't there; I don't know.

5 Q. What investigation have you undertaken
6 to determine what efforts were made to figure out
7 if the White artwork was on loan at this time?

8 A. We found a loan document. But that's
9 from before this time. Assuming this is '76,
10 which is questionable since the document isn't
11 formally dated.

12 Q. Do you have any reason to believe this
13 document wasn't created in 1976?

14 A. It lacks a date on the cover page.

15 Q. When did Dr. Carter cease to be
16 employed by the University?

17 A. Oh, I don't know what date. In the
18 '70s, I think.

19 Q. Could it have been 1976?

20 MR. HARVEY: Objection; calls for
21 speculation.

22 THE WITNESS: I don't know.

23 BY MR. COSSU:

24 Q. Does Howard University possess any
25 records of when Dr. Carter ceased to be employed

1 L. FARRINGTON

2 by the University?

3 A. Not any longer.

4 Q. What efforts were made by the
5 University between 1976 and '79 to determine if
6 the White artwork was on loan?

7 A. I have no idea.

8 Q. What efforts were made between 1980
9 and 1989 to determine if the White artwork was on
10 loan?

11 A. I wasn't employed. I just couldn't
12 tell you.

13 Q. What investigation did you undertake
14 to determine if there had been any search for the
15 White artwork between 1980 and 1989?

16 MR. HARVEY: May I hear that question
17 again, please?

18 (The record was read back by the
19 reporter as follows:

20 "Question: What investigation did you
21 undertake to determine if there had been any
22 search for the White artwork between 1980
23 and 1989?")

24 MR. HARVEY: You mean any search that
25 took place during that time period?

1 L. FARRINGTON

2 MR. COSSU: That is correct.

3 THE WITNESS: I looked through all of
4 the gallery files and produced all the
5 records on Charles White that I could find
6 referencing Centralia Madonna.

7 BY MR. COSSU:

8 Q. So the University doesn't have any
9 records indicating that a search for the White
10 artwork was undertaken between 1980 and 1989?

11 A. I don't know if those records exist,
12 but they do not exist in the gallery offices and
13 files.

14 Q. What efforts were made between 1990
15 and 1999 to determine if the White artwork was on
16 loan?

17 A. I don't know.

18 Q. What investigation did you undertake
19 to determine if Howard University had searched
20 for the White artwork between 1990 and 1999?

21 A. I looked through the annual reports
22 and the artist files.

23 Q. And does Howard University possess any
24 records indicating that it searched for the White
25 artwork between 1990 and 1999?

1 L. FARRINGTON

2 A. I have seen no such records.

3 Q. What efforts were made between 2000
4 and 2009 to determine if the White artwork was on
5 loan?

6 A. I have no idea.

7 Q. What investigation did you undertake
8 to determine if Howard University conducted a
9 search for the White artwork between 2000 and
10 2009?

11 A. I looked through the artist files and
12 the annual reports and found no such records.

13 Q. So Howard University does not have any
14 records indicating that it searched for the White
15 artwork between 2000 and 2009?

16 A. I can't answer that question because I
17 don't know what they did, and I don't know every
18 record everywhere at Howard University.

19 Q. But as you're testifying as the Howard
20 University representative today, you have located
21 no records indicating that a search took place
22 for the White artwork between 2000 and 2009 by
23 the University; correct?

24 A. I only searched in the gallery files,
25 nowhere else. And there were no such records in

1 L. FARRINGTON

2 the gallery files.

3 Q. Are there other places that the
4 records may exist?

5 MR. HARVEY: Objection; calls for
6 speculation.

7 THE WITNESS: In the library, but I
8 don't know. I really don't know.

9 BY MR. COSSU:

10 Q. What efforts were made between 2010
11 and 2019 to determine if the White artwork was on
12 loan?

13 A. I have no idea.

14 Q. Does Howard University possess any
15 records indicating that it searched for the White
16 artwork between 2010 and 2019?

17 A. I have not seen any such records.

18 Q. This is a long document. So if you
19 want to look through it with your attorneys,
20 you're free to. But I'm just going to bring your
21 attention to several pages.

22 A. Okay.

23 Q. The first page I'm going to turn your
24 attention to is HOWARD61.

25 A. Yes.

1 L. FARRINGTON

2 Q. Do you see a reference to "Arizona
3 Allocation" at the top of the page?

4 A. No. Oh, yes. On 32?

5 Q. Yes, 32.

6 A. Yes.

7 Q. Is there an entry as to the location
8 of that artwork?

9 A. No.

10 Q. If you look under the fourth column,
11 do you see what appears to be "Miscellaneous"?

12 A. Yes.

13 Q. And do you see where the word "lost"
14 is written with regard to Arizona Allocation?

15 A. Yes.

16 Q. Is this artwork lost by the
17 University?

18 A. Whoever did -- I mean Dr. Carter, if
19 he did this, believed it was. Whether or not it
20 was is another question.

21 Q. Does Howard University have any
22 records that this work isn't lost?

23 A. This is, I assume, the only record of
24 the work being lost.

25 Q. Was Dr. Carter known to be inaccurate

1 L. FARRINGTON

2 in his recordkeeping?

3 A. I don't know.

4 Q. Would anyone at the University know if
5 Dr. Carter was known to be inaccurate in his
6 recordkeeping?

7 A. I don't think so.

8 Q. Would Mr. Baker know?

9 A. I don't know.

10 Q. Is there any evidence of impropriety
11 on the part of Dr. Carter while he was at the
12 University?

13 A. I don't know.

14 Q. Does the University possess any
15 records alleging that Dr. Carter acted in any
16 inappropriate way?

17 A. I know of no such records.

18 Q. Is there any reason for the University
19 to believe that Dr. Carter had misappropriated
20 artworks in the University's collection?

21 A. I can't answer that. I don't know. I
22 don't know what the University believed back in
23 1977. I couldn't possibly know that.

24 MR. HARVEY: Mr. Cossu, are you
25 representing to the witness that Exhibit F

1 L. FARRINGTON

2 is the name of the artwork as distinguished
3 from the origin of the artwork?

4 MR. COSSU: I can only represent what
5 the document shows. I have no idea. But I
6 take it that the work is lost by the word
7 "lost" on it.

8 MR. HARVEY: Well, do you know what
9 the reference is? Is the reference to the
10 origin of the artwork, or is the reference
11 to the name of the artwork?

12 MR. COSSU: Well, I believe if you
13 look at this list, every work has a title to
14 it.

15 MR. HARVEY: But if you look at the
16 column that you were showing the witness,
17 that particular column said "Origin."

18 BY MR. COSSU:

19 Q. So I'll take you up one page to clear
20 the record up, Dr. Farrington. It appears the
21 origin may have been Arizona Allocation. The
22 work, I believe, is cut off but it appears to be
23 by Allan Crite titled Shawmut Avenue. Do you see
24 that?

25 A. Yes, but there's also an indication of

1 L. FARRINGTON

2 its location. If you go back, you'll see he
3 wrote "fair condition." So then lost must mean
4 something else.

5 Q. What does lost mean, as the
6 University's representative?

7 A. I have no idea what he meant by it,
8 but he didn't mean the picture was lost. If he
9 described its condition, he must have seen it and
10 known it was in fair condition.

11 Q. Is this work still in the University's
12 collection?

13 A. I don't know.

14 Q. Has any investigation been undertaken
15 to determine if this work is still in the
16 University's possession?

17 A. Not since my arrival.

18 Q. Do you see that the word "lost" is
19 circled in handwriting?

20 A. Yes, I see that.

21 Q. And who made that notation?

22 A. I have no way of knowing.

23 Q. And when was that notation made?

24 A. I have no way of knowing.

25 Q. Does the University possess any

1 L. FARRINGTON

2 records indicating who made that notation?

3 A. I have no way of knowing that either.

4 Q. I'm going to turn your attention to
5 page 117.

6 A. Uh-huh.

7 Q. Do you see a reference to a work by
8 Leslie Bolling?

9 A. Yes.

10 Q. And what is the condition of that work
11 listed as?

12 A. Stolen.

13 Q. And when was this artwork stolen?

14 MR. HARVEY: Objection; no foundation.

15 BY MR. COSSU:

16 Q. You can answer.

17 A. I don't know. Whenever this
18 particular document was made or before.

19 Q. Is there any reason to doubt
20 Dr. Carter's notation that this work was stolen?

21 A. No. Because under "Condition" you
22 write exactly the condition of an existing
23 artwork, which brings us back to the previous
24 artwork where the condition was written in as
25 fair. So that one was not lost. This one it

1 L. FARRINGTON

2 seems was stolen.

3 Q. When was this work stolen?

4 A. I have no way of knowing. The date of
5 this report or earlier, as I previously stated.

6 Q. Did Howard University report this
7 artwork as stolen to law enforcement?

8 A. I have no way of knowing.

9 Q. Is there any indication that Howard
10 University has undertaken to determine if a
11 police report was filed with the theft of this
12 artwork?

13 A. From 50 years ago? I don't think so
14 but I have to way of knowing.

15 Q. Do you see the handwritten circle
16 around "stolen"?

17 A. Yes, I do.

18 Q. Who made that notation?

19 A. I don't know.

20 Q. Does the University know when that
21 notation was made?

22 A. I don't know.

23 Q. I'm turning your attention to HOWARD8.
24 Do you see a reference to a work by Norman Lewis
25 there?

1 L. FARRINGTON

2 page 62.

3 MR. COSSU: As I said.

4 BY MR. COSSU:

5 Q. Do you see a reference to a work by
6 Augustus Dunbier?

7 A. Yes.

8 Q. Are there any handwritten notations
9 with reference to that artist and work?

10 A. "Find."

11 Q. Does the University know who made the
12 notation "find"?

13 A. There is no way of knowing that, sir.

14 Q. When was that notation made?

15 A. There is no way of knowing that
16 either, or knowing what it means.

17 Q. Was an effort made to find this
18 artwork by the University?

19 MR. HARVEY: Objection; no foundation.

20 BY MR. COSSU:

21 Q. You can answer.

22 A. I'm confused about answering when
23 there is an objection.

24 Q. Unless your attorney instructs you not
25 to answer, you can answer the question.

1 L. FARRINGTON

2 MR. HARVEY: Well, there is no
3 foundation as to whether or not it was lost
4 and needed to be found.

5 MR. COSSU: Thank you for your
6 coaching, Mr. Harvey, but the witness can
7 answer the question.

8 THE WITNESS: Would you repeat the
9 question, please?

10 BY MR. COSSU:

11 Q. Sure.

12 Was an effort made to find this
13 artwork by the University?

14 MR. HARVEY: Same objection.

15 THE WITNESS: I assume so, but I don't
16 know. It was, again, 50 years ago.

17 BY MR. COSSU:

18 Q. Is this work currently in the
19 University's collection?

20 A. I'll have to check the inventory. We
21 have 4,200 works. I don't have that kind of
22 photographic memory.

23 Q. Following this inventory, when was the
24 next time the University prepared an inventory of
25 its art collection?

1 L. FARRINGTON

2 Q. Were any spreadsheets created between
3 1976 and 2010?

4 A. I don't know. I don't really know how
5 they tracked acquisitions between 1976 and 2010.
6 Honestly, I don't know.

7 Q. Is there anyone at Howard University
8 who would know how its inventory was tracked
9 between 1976 and 2010?

10 A. Maybe Mr. Baker.

11 Q. And have you discussed with Mr. Baker
12 how the University's inventory was tracked
13 between 1976 and 2010?

14 A. Never.

15 Q. When did the University begin insuring
16 its art collection?

17 A. I don't know.

18 Q. Does the University provide an updated
19 appraisal when it renews its insurance policy?

20 A. I don't know. I don't deal with
21 insurance, and the only appraisal I know of since
22 the old one that you showed me is the Sotheby's
23 one of a few artworks that are on that list.

24 Q. You mentioned that Mr. Baker provided
25 his thesis. Where on the University's campus was

1 L. FARRINGTON

2 that located?

3 A. He had it at home.

4 Q. And that was the only copy?

5 A. As far as I know.

6 Q. Has the University ever provided lists
7 of the artworks in its collection to third
8 parties?

9 A. Not that I know of.

10 Q. Has the University provided lists of
11 the artwork in its collection to Sotheby's?

12 A. It provided Sotheby's with a number of
13 works. I don't know the exact number, but
14 they're on the Sotheby's appraisal which you
15 have.

16 Q. Were those lists created by the
17 University or by Sotheby's?

18 A. I'm not sure what you're asking. But
19 the appraisal was created by Sotheby's. It's not
20 a list. It's an appraisal document.

21 Q. Let's go back. How did Sotheby's come
22 to know what artworks are in the University's
23 collection?

24 A. They only know those few. They don't
25 know everything. There are, as I said, over

1 L. FARRINGTON

2 4,000. How they came to know, I assume the
3 University asked them to appraise them. But
4 again, this was years before my time.

5 Q. When the University asked Sotheby's to
6 appraise artworks in its collection, did the
7 University select the artworks that Sotheby's
8 would appraise?

9 A. I don't know.

10 Q. Is there anyone at the University who
11 would know?

12 A. Maybe, but I don't know who it might
13 be.

14 Q. And when did the initial Sotheby's
15 appraisal take place?

16 A. If you have the document, there should
17 be a date on it. But I don't know the year
18 myself off the top of my head because, again, I
19 wasn't employed here at Howard.

20 Q. Are people still employed at Howard
21 who were there when Sotheby's conducted its
22 initial appraisal?

23 A. If it was in the last four or five
24 years, of course.

25 Q. If it was in the last ten years, would

1 L. FARRINGTON

2 people still be at Howard?

3 MR. HARVEY: Objection; calls for
4 speculation.

5 THE WITNESS: That I don't know. I
6 just don't know.

7 BY MR. COSSU:

8 Q. Have you conducted any investigation
9 to determine who spoke with Sotheby's at the time
10 of its initial valuation?

11 A. Why would I do that?

12 Q. I'm just asking you if you have.

13 A. No.

14 MR. COSSU: I think we've gone for an
15 hour. We can take another five- to
16 ten-minute break if you would like.

17 MR. HARVEY: Sure. Why don't we
18 resume at 12:25. Or 12:30?

19 MR. COSSU: I'm happy either way.

20 MR. HARVEY: 12:30.

21 (Recess taken.)

22 BY MR. COSSU:

23 Q. Dr. Farrington, I just want to clarify
24 something that I may have misheard before we took
25 a break. Did you say that you searched

1 L. FARRINGTON

2 Mr. Baker's office for any records relating to
3 the artwork?

4 A. Yes.

5 Q. When did that search take place?

6 A. I don't know exactly. Maybe five or
7 six months ago, five months ago.

8 Q. What, if anything, relevant to the
9 artwork did you locate during that search?

10 A. Dr. Carter's inventory.

11 Q. The 1976 inventory?

12 A. Yes. If that's what it is.

13 Q. Did you locate any of those prior
14 valuation documents in Mr. Baker's office?

15 A. No. That was the only document that
16 was in Mr. Baker's office.

17 Q. And Mr. Baker's thesis wasn't in his
18 office; is that correct?

19 A. No. That was in his home.

20 Q. Dr. Farrington, do you have an
21 understanding as to what the current value of the
22 White artwork is?

23 A. No, I don't.

24 Q. Does the University have an
25 understanding as to what the current value of the

1 L. FARRINGTON

2 artwork is?

3 A. Not that I know of.

4 Q. Has the University discussed the value
5 of the White artwork with Sotheby's?

6 A. Not that I know of.

7 Q. Does the University possess any
8 records indicating that it has discussed the
9 value of the White artwork with Sotheby's?

10 A. I have seen no such records.

11 Q. You mentioned that there are certain
12 lists that were exchanged with Sotheby's. Am I
13 correct?

14 A. You are not correct. You mentioned
15 lists. I did not.

16 Q. What did you mention was exchanged
17 with Sotheby's as part of its appraisal process?

18 A. I didn't mention anything that was
19 exchanged with Sotheby's.

20 Q. So the University has not exchanged
21 any information with Sotheby's?

22 A. Not that I know of.

23 MR. HARVEY: Objection; vague.

24 THE WITNESS: Yeah, I'm confused as to
25 the question. The Sotheby's appraisal is

1 L. FARRINGTON

2 the only document I know of that has
3 anything to do with Sotheby's.

4 BY MR. COSSU:

5 Q. Okay. So the Sotheby's appraisal
6 document, has that been produced by Howard
7 University?

8 A. It was produced by Sotheby's.

9 Q. But Howard did not produce it in this
10 litigation; is that correct?

11 A. I don't know.

12 Q. But you've looked at the University's
13 production; isn't that right?

14 A. Yes, I have.

15 Q. Is the Sotheby's appraisal contained
16 in that production?

17 A. I don't recall. I think there's a
18 thousand pages I looked through. I remember
19 seeing the Sotheby's appraisal, but whether or
20 not it was in this production I can't say.

21 Q. Well, I can represent to you that it
22 was not produced by the University.

23 A. Okay.

24 Q. Do you know what year the Sotheby's
25 appraisal took place?

1 L. FARRINGTON

2 Q. Have you reviewed the documents that
3 Sotheby's has produced to both parties in this
4 case?

5 A. No.

6 Q. But you're aware of this document and
7 you reviewed it?

8 A. I'm aware of this document. I saw it
9 some months ago.

10 Q. When you saw it, did it have the
11 lettering and numbers on the bottom right that
12 exist on this document?

13 A. I don't remember. I don't think I
14 paid any attention to those numbers. I was more
15 interested in the artworks.

16 Q. Fair.
17 Approximately how many months ago did
18 you review it?

19 A. Oh, I think I saw it right around the
20 time when I got to the University. But I really
21 can't remember exactly when I first saw it.

22 Q. Approximately what is the size in
23 terms of pages of the full Sotheby's appraisal?

24 A. Oh, I don't know. Ten or 15 or 20
25 pages maybe. I don't know.

1 L. FARRINGTON

2 Q. Turning your attention to what's been
3 identified as Borders Exhibit G, what can you
4 tell me about this document?

5 A. It's the Sotheby's appraisal of some
6 of our works.

7 Q. And who created this document?

8 A. Sotheby's, I assume.

9 Q. If you look at the top of it, do you
10 see the apparent title to the document? I can
11 try to make it larger for you.

12 A. Yes, I see the title.

13 Q. And what's the title?

14 A. "Howard University Gallery of Art
15 Inventory of Prospective High Value Work for
16 Sotheby's Appraisal."

17 Q. So this is an inventory of prospective
18 high value work for Sotheby's appraisal.

19 MR. HARVEY: Objection; misstates the
20 document.

21 BY MR. COSSU:

22 Q. This is "Howard University Gallery of
23 Art Inventory of Prospective High Value Art for
24 Sotheby's Appraisal"; correct?

25 MR. HARVEY: It actually says high

1 L. FARRINGTON

2 value work.

3 MR. COSSU: High value work. Thank
4 you for correcting me there, Mr. Harvey.

5 MR. HARVEY: Always happy to help.

6 BY MR. COSSU:

7 Q. Is that the title, Dr. Farrington?

8 A. That's the title on this page,
9 correct.

10 Q. This document was created by
11 Sotheby's?

12 A. Yes.

13 Q. How did Sotheby's get access to the
14 artworks that are identified on this page?

15 A. I don't know. I assume they went to
16 storage and looked at them.

17 Q. Did the University ever provide
18 Sotheby's with any documentation concerning
19 artworks in its collection?

20 A. Not that I know of.

21 Q. Is the White artwork that's at issue
22 in this lawsuit identified in any of the
23 Sotheby's appraisals?

24 A. This is the only appraisal I know of,
25 and it's not in this.

1 L. FARRINGTON

2 A. Who made the document?

3 Q. You told me that you don't know.

4 Unfortunately, I can't answer your questions, and
5 I don't even have an answer to this one.

6 A. Well, then, the answer is if nobody
7 knows who made it, then nobody knows what
8 Sotheby's is doing with it. I don't understand
9 why you would ask a question like that. It's not
10 logical.

11 Q. Dr. Farrington, what I'm asking you
12 is: Does anyone at the University know why this
13 document is in Sotheby's possession?

14 A. I'm speculating that Sotheby's created
15 it and that's why they have it.

16 Q. For what purpose would Sotheby's have
17 created this document?

18 A. Speculating again, to evaluate those
19 works in our collection.

20 Q. When you say you're speculating, are
21 you personally speculating, or as Howard
22 University's representative are you speculating?

23 MR. HARVEY: I object to the form of
24 the question. I think your question asked
25 her about Sotheby's intent and Sotheby's

1 L. FARRINGTON

2 Q. Is the University aware of any
3 information contradicting that position?

4 A. Not that I know of.

5 Q. Does the University have any records
6 post 1976 indicating that the White artwork was
7 in storage?

8 A. Not that I know of.

9 Q. And you've looked for documents
10 concerning the White artwork; correct?

11 A. I've looked for and produced all the
12 documentation that we have in the gallery.

13 Q. When does the University allege that
14 it learned that the White artwork was no longer
15 in its possession?

16 A. It didn't allege. Sotheby's called
17 the general counsel's office and said, "We have
18 your artwork." So that's not an alleged. That's
19 a fact.

20 Q. And when was that?

21 A. Last spring. You would have to ask
22 the general counsel's office when they got the
23 first call. I don't know.

24 Q. And that was the first time that the
25 University learned that the artwork was not in

1 L. FARRINGTON

2 information contradicting that position?

3 A. Not that I know of.

4 Q. What makes it more likely that the
5 White artwork was stolen as opposed to title
6 being transferred in the ordinary course?

7 A. There is no ordinary course of title
8 transfer.

9 Q. Could the University have traded the
10 artwork for another artwork?

11 MR. HARVEY: Objection; calls for
12 speculation.

13 BY MR. COSSU:

14 Q. You can answer.

15 A. I can't speculate. You said could.
16 Anything could happen. I don't know what
17 happened.

18 Q. Has the University ever traded
19 artworks?

20 A. No, not that I know of.

21 Q. And what investigation have you
22 conducted to determine if the University has ever
23 traded artworks?

24 A. I've looked through the annual
25 reports.

1 L. FARRINGTON

2 Q. And what years of annual reports did
3 you look through?

4 A. I looked through annual reports going
5 back to the 1940s.

6 Q. Does Howard University possess an
7 annual report from 1970 to '71?

8 A. I couldn't find one.

9 Q. And where did you search for the
10 annual reports?

11 A. We keep them all in the library files
12 hallway.

13 Q. Is that located within the library?

14 A. No. It's in the gallery library or
15 hallway where the annual reports are kept and
16 catalogs are kept. So it's in Childers Hall
17 behind my office.

18 Q. Is there anywhere else that annual
19 reports are kept within the University?

20 A. Yes, in Founders Library.

21 Q. Was that searched for the 1970 to '71
22 annual report?

23 A. Yes. I think the library was missing
24 three reports. I located two of the three
25 missing reports and turned them over.

1 L. FARRINGTON

2 record locations of works of art. But just
3 because the work of art says no location recorded
4 it doesn't mean anything. It means eventually
5 someone will have to open those crates and find
6 out exactly which crates which works of arts are
7 in.

8 Q. So is it fair to say that no specific
9 action was taken by the University when this
10 artwork was recorded in TMS as no current
11 location recorded?

12 A. Well, that record is a reproduction of
13 a record that had existed for years before. So
14 no. So there was no need. There was no concern
15 because there was no reason to believe that the
16 work was not in one of those crates or in some
17 storage space somewhere.

18 Q. So for years there was no recorded
19 location for the work; is that correct?

20 A. Many works in the collection. Still
21 today there are no recorded locations for many
22 works because we have almost no staff.

23 Q. Dr. Farrington, I'm asking you about
24 this work. Is it correct --

25 A. Well, I'm just giving you a more

1 L. FARRINGTON

2 record anything and there's no need to do
3 anything.

4 Q. There is no need to do anything?

5 A. If we know the works are here, why
6 would we do anything?

7 Q. Did you know that the Centralia
8 Madonna --

9 A. ** We didn't know that your clients
10 stole the work.

11 Q. And what's your basis for that?

12 A. We assumed that it was on campus or in
13 storage, as we assume with all of the works that
14 don't have a precise location.

15 Q. Dr. Farrington, what is your
16 evidentiary basis for accusing my clients of
17 stealing the work?

18 A. They have it and it belongs to us.

19 Q. But what is your basis for your
20 accusation that they stole the work? Does the
21 University have any records that our clients took
22 the work from the University?

23 A. It's empirical evidence. They have it
24 but it doesn't belong to them. So that's the
25 assumption that I make.

1 L. FARRINGTON

2 annual report?

3 A. You would have to go back to the
4 beginning of the section or to the end and see if
5 it's signed. But if it's not, I couldn't hazard
6 a guess.

7 Q. Was the White artwork at issue ever
8 identified as stolen in any of the University's
9 annual reports?

10 A. No, it was not.

11 MR. COSSU: I'm going to show you what
12 we've marked as Borders Exhibit O.

13 (Borders Exhibit O marked for
14 identification and attached hereto.)

15 BY MR. COSSU:

16 Q. Again, the first page here is a copy
17 of an annual report from 1973-1974 that we have
18 marked along with excerpts from this annual
19 report as Borders Exhibit O.

20 Dr. Farrington, do you recall seeing
21 the 1973 to '74 annual report from Howard
22 University?

23 A. Yes.

24 Q. Turning your attention to the second
25 page of this document -- it's not a perfect

1 L. FARRINGTON

2 report?

3 A. Yes.

4 Q. Turning your attention to page 2,
5 which is page 57 of the annual report, do you see
6 the reference to "Paintings Removed from Gallery
7 Collection Permanently"?

8 A. Yes.

9 Q. And what information does the
10 University have about the removal of these
11 artworks from the gallery collection?

12 A. That they were returned to the lenders
13 as it states there.

14 Q. Does it state for the return of the
15 works to the Don R. Torrey collection that
16 Mr. Torrey was a lender?

17 A. Obviously. It doesn't state that, but
18 it's the Torrey collection. It was returned to
19 Mr. Torrey.

20 Q. Does the University continue to
21 possess any works from the Torrey collection?

22 A. I don't know. I've never heard of
23 that collection before until I read this
24 document.

25 Q. Did you conduct any investigation into

1 L. FARRINGTON

2 already viewed; is that correct?

3 A. Yes. I re-reviewed most of the
4 reports again since I was on campus anyway.

5 Q. Was Charles White ever a professor at
6 the University?

7 A. According to rumors, he was an adjunct
8 for some semesters.

9 Q. And what years would that have been?

10 A. I don't know the exact years.

11 Q. Where did the rumors originate from?

12 A. Oh, I don't know. Everybody seems to
13 know at some point he worked at Howard. It must
14 be written down somewhere.

15 Q. Do you know what year Mr. White passed
16 away?

17 A. Not offhand, no.

18 Q. Does the University have any records
19 reflecting Mr. White questioning the location of
20 the Charles White artwork at issue?

21 A. No.

22 Q. Who is Dr. Charles Boyd?

23 A. He's a trustee.

24 Q. And what role, if any, does the board
25 of trustees have with respect to the Gallery of

1 L. FARRINGTON

2 Art?

3 A. Well, they make all final decisions
4 about loans and purchases, that sort of thing.

5 Q. Has Dr. Boyd been included in any
6 communications concerning the White artwork with
7 you?

8 A. No.

9 MR. HARVEY: That calls for a yes or
10 no, Dr. Farrington. Which you've answered.
11 BY MR. COSSU:

12 Q. Have you had any communications with
13 Dr. Boyd concerning the Charles White artwork?

14 A. No.

15 Q. Did you speak with him as part of your
16 preparation to testify as Howard's Rule 30(b)(6)
17 representative?

18 A. No.

19 Q. Why not?

20 A. I don't think I've spoken with him
21 more than three times since I got hired.

22 MR. COSSU: Dr. Farrington, I'm going
23 to show you momentarily a document we're
24 marking as Borders Exhibit R.

25 (Borders Exhibit R marked for

1 L. FARRINGTON

2 A. No.

3 Q. Have you been -- withdrawn.

4 How long has Mr. Baker been an
5 assistant director at the gallery?

6 A. I don't know when he received that
7 title.

8 Q. Prior annual reports referenced a Jeff
9 Donaldson. Do you know who that person is?

10 A. Yes. He was the chair of the art
11 department, and he might have become dean later.

12 Q. Do you know if he's still alive?

13 A. He died.

14 Q. Do you know when?

15 A. Not exactly.

16 Q. More than a decade ago?

17 A. I'm not sure.

18 MR. COSSU: Unfortunately, this is not
19 loading. Why don't we take a break for five
20 to ten minutes, and then I think we'll be
21 done shortly thereafter if that's all right.

22 MR. HARVEY: All right. Why don't we
23 come back, what, 3:20? Is that what you're
24 thinking?

25 MR. COSSU: Sure.

1 L. FARRINGTON

2 A. Yes.

3 Q. Dr. Farrington, have you ever seen
4 this email before?

5 A. I don't think so.

6 Q. Turning your attention to the top, it
7 references -- turning your attention to the first
8 email, it's an email from a Kayla Carlsen at
9 Sotheby's to an Elizabeth Pisano at Sotheby's and
10 it's dated May 28, 2020, at 3:34 p.m.

11 Do you see that?

12 A. Yes, I do.

13 Q. And the attendees from Howard
14 University are listed as "Senior counsel business
15 transaction and technology (didn't catch her
16 name) Dr. Boyd who on the board of Howard
17 University."

18 A. I see that.

19 Q. Do you know who the senior counsel
20 business transactions and technology person at
21 Howard University is?

22 A. I don't know if anyone has that title.
23 I don't know of anyone with that title.

24 Q. Understood.

25 Are you familiar with this call that

1 L. FARRINGTON

2 took place between Sotheby's and Howard?

3 MR. HARVEY: Dr. Farrington, that
4 calls for a yes or a no answer.

5 THE WITNESS: I'm not familiar with
6 this call, no.

7 BY MR. COSSU:

8 Q. Turn your attention down. It says
9 that "Dr. Boyd asked about estimate and Nina
10 noted that we think it will sell for much more."

11 Do you see that?

12 A. Yes.

13 Q. Do you understand that this discussion
14 is in reference to the Charles White artwork at
15 issue?

16 MR. HARVEY: Objection; no foundation.

17 MR. COSSU: I'm asking her if she
18 understands that.

19 MR. HARVEY: Well, you can ask her
20 that way, does she have an understanding.

21 THE WITNESS: I don't know what it's
22 about. I don't know what it's about except
23 based on what's written here.

24 BY MR. COSSU:

25 Q. Sure.

1 L. FARRINGTON

2 Are you familiar with any other
3 Charles White artworks that were being discussed
4 in May of 2020 other than the Charles White
5 artwork at issue?

6 MR. HARVEY: Objection; vague.

7 Discussed between and among whom?

8 MR. COSSU: Sotheby's and Howard.

9 THE WITNESS: I don't know. I was not
10 privy to communications between Sotheby's
11 and Howard.

12 BY MR. COSSU:

13 Q. But you have been forwarded emails
14 from Sotheby's; is that correct?

15 A. Pictures, I think. But they could
16 have come through the general counsel's office.
17 I just don't remember. I have thousands of
18 emails a week, literally.

19 Q. Have you had any discussions with
20 Dr. Boyd about this call?

21 A. No. I don't know anything about this
22 call.

23 Q. I believe you said you've only spoken
24 to Dr. Boyd two or three times. Is that correct?

25 A. Yes.

1 L. FARRINGTON

2 Q. And when were those communications?

3 A. In telemeetings. I think there were
4 three telemeetings over the last year.

5 Q. And what did those telemeetings
6 concern?

7 A. Different things having to do with the
8 University, the fine arts. You know, I would
9 have to look at all the old notes and emails and
10 so forth.

11 There were half a dozen, maybe ten
12 people in the meeting. So, you know, maybe 20
13 things discussed in any given meeting. But I
14 don't recall them off the top of my head.

15 Q. I'm going to turn your attention to
16 the fourth paragraph down, the final sentence.

17 A. Yes.

18 Q. "They know it was loaned because
19 someone who works for the University since the
20 1970s knows that some things went back and forth
21 without paperwork based on his experience."

22 A. Yes.

23 Q. Now, Dr. Farrington, do you know who
24 is being referenced as the person who has implied
25 things went back and forth without paperwork

1 L. FARRINGTON

2 based on his experience? Do you know who that
3 "his" is referencing?

4 A. No, I have no idea.

5 MR. HARVEY: Objection to the form.

6 Actually, they jump from the plural to the
7 singular in that sentence.

8 MR. COSSU: My question was restricted
9 to just his experience.

10 MR. HARVEY: Okay.

11 BY MR. COSSU:

12 Q. I have your answer, Dr. Farrington.

13 A. Hmm?

14 Q. I said, I have your answer,
15 Dr. Farrington.

16 The next paragraph states: "They note
17 that the Barnett-Aden Gallery was after Howard
18 (although they may also sold it to them as well)
19 and the gallery (i.e. Alanzo and Jane) may have
20 sold the work to a South Carolina collection
21 before the gallery was resold."

22 Do you see that?

23 A. Yes, I see that.

24 Q. Does Howard University have any
25 records of the Barnett-Aden Gallery selling the

1 L. FARRINGTON

2 Charles White artwork to the University?

3 A. No. The only record of the University
4 receiving the work that I have seen is in the
5 1948 or '47 annual report where it just listed
6 the work as part of our collection without any
7 information about where it came from.

8 Q. And what information does the
9 University have, if any, that would contradict
10 the statement that the gallery may have sold the
11 work to a South Carolina collection before the
12 gallery was resold?

13 A. I don't exactly know what that
14 paragraph is saying. But I don't know anything
15 about South Carolina or Barnett-Aden or the
16 relationship between the two. So I can't answer
17 that question.

18 MR. COSSU: Okay. At this time,
19 Dr. Farrington, we have no further
20 questions.

21 However, we will leave this deposition
22 open as we have concerns for, among other
23 reasons, that the witness was not adequately
24 and properly prepared as a 30(b)(6) witness
25 representative.